

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



NICOLE M. PAULK,

Plaintiff,

v.

24-CV-63 (JLS) (JJM)

SOCIAL SECURITY
ADMINISTRATION, ROBERTO
ROJAS, AND DAVID R. ACEVEDO
in their official and personal capacities,

Defendants.

DECISION AND ORDER

Plaintiff commenced this action on January 16, 2024, asserting employment discrimination claims under federal and state law. Dkt. 1. The case has been referred to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 10.

Defendants moved to dismiss. Dkt. 9. Plaintiff opposed the motion, Dkt. 15, and Defendants replied. Dkt. 16. On April 17, 2025, Judge McCarthy issued a Report and Recommendation ("R&R") recommending that the Complaint be dismissed without prejudice. Dkt. 18. He explained that, "[P]laintiff's "counsel indicated that [P]laintiff has decided to voluntarily withdraw this case," and "Defendants had no objection to a dismissal of [P]laintiff's complaint without prejudice." *Id.* at 1. Neither party objected to the R&R, and the time to do so has expired.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R and the relevant record. Based on that review, the Court accepts and adopts Judge McCarthy's recommendation.

For the reasons above and in the R&R, Plaintiff's claims are DISMISSED without prejudice. The Clerk of Court shall close this case.

SO ORDERED.

Dated: May 7, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE